

REMARKS

Claims 18 through 29 are currently pending in the present application, while claims 1 through 17 were withdrawn from further consideration as being drawn to a non-elected invention. Claim 18 has been amended. No new matter has been added.

In the Advisory Action, the Examiner indicated that the amendment made in the Applicant's August 11, 2008 response merely included more functional recitations that in the Examiner's view does not distinguish the claims (particularly independent claim 18) from US Patent 6,984,464 to Margiott et al. (hereinafter Margiott). To overcome this, the Applicant submits the present amendment that was originally presented to the Examiner in order to conduct a telephone interview on August 28, 2008. The Applicant notes with appreciation the courtesy extended by the Examiner to the Applicant's counsel during that interview, where the Examiner indicated that the earlier functional recitations relating to the nature of the system have been replaced with positively recited limitations in the preamble to further establish the active method steps of claim 18.

By the present amendment, the Applicant additionally introduces changes to claim 18 to more specifically recite the nature of the means for selectively reacting a selectively introduced fuel with recirculating oxygen as a combustor or related burner. The Applicant submits that this limitation of the present amendment comports with the remarks made in the Applicant's April 14, 2008 and August 11, 2008 responses that explain why independent claim 18 is patentably distinguishable from Margiott. Specifically, by transiently operating the claimed device, a purging fluid is created by reacting fuel with oxygen in a combustor that is in communication with a cathode recirculation loop. Such production and introduction of the purging fluid into the recirculation loop continues at least until a voltage measured across the fuel cell reaches a predetermined level that is indicative of substantial oxygen consumption in the cathode recirculation loop. Margiott neither teaches nor suggests using a separate combustor for the

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generation of a purging fluid that can be introduced into a cathode recirculation line to displace oxygen as a way to reduce voltage potentials on a transiently-operated fuel cell.

The Applicant respectfully submits that in view of the above amendments, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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